समक्ष माननीय राज्य प्रशासनिक अधिकरण, खण्डपीठ, रायपुर (छ. ग.)

ओ. ए. क्रमांक 546 /2001 WP(S) 3778/01

बनाऊ राम पटेल,

सहायक शिक्षक ,
शासकीय जगदेव कन्या प्राथमिक शाला,
रायगढ़, जिला- रायगढ़ ---- आवेदक

विरूद्ध

1. छत्तीसगढ़ शासन,
द्वारा-सचिव,
स्कूल शिक्षा विभाग,
मंत्रालय रायपुर जि. रायपुर (छ0ग0)
2. आयुक्त,
बिलासपुर संभाग,
बिलासपुर (छ0ग0)

3. जिला शिक्षा अधिकारी,
रायगढ़, जिला-रायगढ़, (छ0ग0) ---- अनावेदकगण

आवेदन पत्र अन्तर्गत धारा 19 राज्य प्रशासनिक अधिकरण अधिनियम 1985

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (S) No. 3778 of 2005

(27)

Petitioner — Banau Ram Patel

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri K. K. Shukla, Advocate for the petitioner.

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher in Jagdeo Girls Primary School, Raigarh was transferred to Primary School, Khokhsipali, Sarangarh, on the same terms and conditions, vide order dated 31.7.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 13.9.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on 11.9.2001. By virtue of the interim order the petitioner is continuing at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur